



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 10, 1991

Mr. Kevin B. Laughlin  
Assistant City Attorney  
City of Midland  
P. O. Box 1152  
Midland, Texas 79702-1152

OR91-176

Dear Mr. Laughlin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11931.

The City of Midland received an open records request for records maintained by the Midland Police Department concerning a particular automobile accident and possible related criminal charges. You state that the city has released some of the requested documents to the requestor; you seek to withhold, however, certain portions of an "Incident Report" that you contend come under the protection of section 3(a)(8) of the Open Records Act.

In Houston Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App. -- Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the court of civil appeals established guidelines on what information contained in police files is public. The court's holding was summarized in Open Records Decision No. 127 (1976), which indicates that while certain information such as the identity of certain witnesses and their statements may be withheld, the narrative description of the offense is public information. Police departments may, however, elect not to disclose information deemed public by the Houston Chronicle court if it is demonstrated that the release of information would unduly interfere with crime prevention efforts. Open Records Decision No. 409 (1984). Whether disclosure of particular records will unduly interfere with crime prevention must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981).

In this instance, the police officer's narrative describes statements and actions witnessed by the alleged offender at the scene of the accident. This office does not believe that the disclosure of this information would unduly interfere with any future prosecution of this case. On the other hand, the narrative also contains witness statements that were

provided after the alleged offender left the scene of the accident, as well as details of the offender's behavior after his arrest. This second type of information comes under the protection of section 3(a)(8) as outlined by the Houston Chronicle court. We have marked the portions of the incident report that you may withhold; the remaining information must, however, be released at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-176.

Yours very truly,



Assistant Attorney General  
Opinion Committee

RWP/lcd

Ref.: ID# 11931

Enclosures: Marked documents

cc: Leon Blaschke  
Sr. Claims Representative  
Farmers Insurance Group  
Midland Branch Claims Office  
P. O. Box 7747  
5100 Andrews Hwy.  
Midland, Texas 79708